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IN CLERKS OFFICE  
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CIVIL ACTION NO. 04-CV11829 GAO

ROBERT S. STEPHENS, Plaintiff  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

v.

ROBERT MULHERN, individually )  
and as Police Chief of )  
the Town of Groton, )  
PETER S. CUNNINGHAM, )  
individually and as a Selectman )  
for the Town of Groton, )  
THOMAS D. HARTNETT individually )  
and as a Selectman of the Town of )  
Groton, )  
DANN CHAMBERLIN individually and as )  
a Selectman of the Town of Groton, )  
“JOHN DOE” and )  
THE TOWN OF GROTON, )  
Defendants )

**PLAINTIFF’S RESPONSE AND REQUEST FOR DEFAULT REMOVAL**

Plaintiff, through undersigned counsel, respectfully requests that the default be removed and that the Conditional Order of Dismissal be denied for the following reasons:

1. Counsel for plaintiff in error calendared the Scheduling Conference for December 23, 2004 for a 2:00 PM hearing, not for December 21, 2004
2. In finding this odd that a hearing would be so scheduled on this day, he planned on bringing his family to Boston for that evening after the hearing.
3. Embarrassment and shock once he found out that the hearing was scheduled two days earlier. Consulted both of his calendars used in the office and discovered that in fact each calendar had the same date of December 23, 2004 as the date for the hearing.

4. In addition, counsel has been attempting to understand and comply with the new electronic system for the Federal Courts with some difficulty and is waiting for his training day to fully get on line, especially with the Bankruptcy Courts.

5. Plaintiff is in agreement with alternative dispute resolution program as suggested by Defendant.

6. Counsel request that the Conditional Order of Dismissal be removed and the scheduling conference be marked for a hearing.

Wherefore, Plaintiff, through Counsel respectfully requests that the Conditional Order of Dismissal be removed and or denied and a scheduling conference be set at the convenience of the Court.

Respectfully submitted,  
Robert Stephens,  
By his attorney,

/s/ Gregory D. Oberhauser  
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